

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION AT DETROIT

UNITED STATES OF AMERICA,

Plaintiff,

Civil Case No. 12-12057

v.

Honorable David M. Lawson

Two Hundred Sixty-One Thousand
Five Hundred Dollars (\$261,500.00) in
United States Currency Funds, et al.

Defendants *in Rem*.

**ORDER DISMISSING CIVIL FORFEITURE ACTION AS TO REMAINING
DEFENDANTS *IN REM* AND TRANSFERRING THE REMAINING DEFENDANTS *IN
REM* TO THE CLERK OF THE COURT TO BE APPLIED TO CLAIMANT
FERGUSON'S CRIMINAL RESTITUTION OBLIGATION IN CASE NO. 10-20403**

Presently before the Court is the government's motion to dismiss the civil forfeiture action as to remaining defendants *in rem* and to transfer the remaining defendants *in rem* to the Clerk of the Court to be applied to claimant Ferguson's criminal restitution obligations in case *United States v. Kwame Kilpatrick*, 10-20423 (Hon. Nancy G. Edmunds).

Accordingly, it is hereby **ORDERED** that First Independence Bank, upon presentation of a copy of this Order and the original Certificate of Deposit, shall immediately liquidate Certificate of Deposit Number 105716 issued by First Independence Bank in the Name of Ferguson Enterprises, Inc., in the amount of Two Hundred Thousand Dollars (\$200,000.00). First Independence Bank shall issue a cashier's check payable to the "Clerk of the Court, United States District Court, Eastern District of Michigan" for the face value of the Certificate of Deposit plus all interest accrued on the CD through the date of this Order. First Independence Bank is directed to release the check to an agent of the Federal Bureau of Investigation who shall

in turn deliver it to the Clerk of the Court.

It is further **ORDERED** that the United States Marshals Service shall liquidate the following assets, and transfer the net proceeds, to the Clerk of the Court for the United States District Court, Eastern District of Michigan:

- a. Two Hundred Sixty-One Thousand Five Hundred Dollars in U.S. Currency (\$261,500.00) (Asset ID 09-FBI-002248);
- b. Two Hundred Seventy-Five Thousand Dollars in U.S. Currency (\$275,000.00) (Asset ID 10-FBI-006395);
- c. Three Hundred Fifty-Nine Thousand One Hundred Eighteen Dollars and Fifty-Four Cents (\$359,118.54) in U.S. Currency Funds from Fifth Third Bank Account Number 7912088874 in the Name of XCEL Construction Services (Asset ID 10-FBI-006216);
- d. Three Hundred One Thousand Six Hundred Sixty-Seven Dollars and Fifty-Eight Cents (\$301,667.58) from Fifth Third Bank Account Number 7913801705 in the name of XCEL Construction Services (Asset ID 10-FBI-006611);
- e. Seventy-Three Dollars and Forty Cents (\$73.40) from NStar Community Bank Account Number 18005850 in the name of Ferguson Enterprises Inc. (part of Asset ID 10-FBI-006241);
- f. Nineteen Thousand Thirty Dollars and Seventy-Two Cents (\$19,030.72) in U.S. Currency Funds from Fifth Third Bank Account Number 7913801721 in the Name of XCEL Construction Services (Asset ID 10-FBI-006626);
- g. [Certificate of Deposit 105716 to be liquidated directly to the Clerk of the Court];
- h. Certificate of Deposit Number 012206975 issued by NStar Community Bank valued at Two Hundred Thousand Nine Hundred Fifty-Seven Dollars (\$200,957.00) in the Name of Ferguson Enterprises, Inc (part of Asset ID 10-FBI-006241);

- i. NStar Community Bank Cashier's Check Number 102824, in the amount of One Hundred Thousand Dollars (\$100,000.00) payable to Ferguson Enterprises (part of Asset ID 10-FBI-006392);
- j. NStar Community Bank Cashier's Check Number 102825, in the amount of One Hundred Thousand Dollars (\$100,000.00) payable to Ferguson Enterprises (part of Asset ID 10-FBI-006392);
- k. NStar Community Bank Cashier's Check Number 102826, in the amount of One Hundred Thousand Dollars (\$100,000.00) payable to Ferguson Enterprises (part of Asset ID 10-FBI-006392);
- l. NStar Community Bank Cashier's Check Number 102848, in the amount of One Hundred Thousand Dollars (\$100,000.00) payable to Ferguson Enterprises (part of Asset ID 10-FBI-006392); and
- m. First Independence Bank Cashier's Check Number 15750 in the Amount of Eighty-Nine Thousand Dollars (\$89,000.00) payable to Bobby Ferguson (Asset ID 10-FBI-005808).

It is further **ORDERED** that within thirty (30) days following the transfer of the assets to the Clerk of the Court, the United States Marshals Service shall file a notice on the docket of this case which states the total value of assets transferred to the Clerk of the Court in compliance with this Order.

It is further **ORDERED** that, upon the docketing of the notice of the transfer of assets from the United States Marshals Service to the Clerk of the Court, the remainder of this civil forfeiture action is **DISMISSED WITH PREJUDICE** pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 9, 2014

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 9, 2014.

/s Marilyn Orem